IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 21169 of 2007(T)

PETITIONERS:

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1. T.M.VENUGOPAL,
   PRESIDENT, MULAKUZHA SERVICE CO-OPERATIVE
   BANK LTD., MULAKUZHA, CHENGANNUR.

2. THE MULAKUZHA SERVICE CO-OPERATIVE BANK
   LTD., MULAKUZHA P.O., CHENGANNUR, REP. BY
   ITS SECRETARY.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

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1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL), CHENGANNUR.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL), ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.21169 OF 2007

Dated this the 10th day of July, 2007

JUDGMENT

Having heard learned counsel for the petitioner and learned Government Pleader and having perused the materials on record, I am satisfied that this writ petition can be disposed of without issuing notice to the respondents.

2. It appears that Mulakuzha Service Co-operative Society was upgraded and classified as class III society as revealed from Ext.P1 order of the Joint Registrar, Alappuzha. The above classification as Class III under Appendix III is granted subject to the condition that no further appointment in the Society would be made without prior sanction of the Joint Registrar. The said rider was quashed by this court in Ext.P5 judgment.

3. But soon after pronouncement of Ext.P5 judgment, the Joint Registrar issued Ext.P6 notice to the Society under Section 66 of the Act informing that the classification of the society under class III category was wrong and therefore it

was proposed to cancel the said classification. Accordingly, the society was directed to rectify the mistake.

4. It is the admitted position that the society had responded to Ext.P6 notice and submitted Ext.P7 reply. It is seen from Ext.P7 that the society had stated its reasons as to why the Joint Registrar could not revoke the earlier order of classification.

5. Anyhow, the fact remains that the Joint Registrar has not passed a final order in the matter though Ext.P7 was submitted way back in December, 2006. But in the meanwhile the society has been served with Exts.P8 and P9 orders. By Ext.P8, the society has been directed to keep in abeyance the selection process that was initiated for selection to the post of peon. It is revealed from Ext.P8 order itself that the Joint Registrar is in seisin of the issue relating to the classification of the society. In Ext.P9, the society has been informed by the Assistant Registrar that he has authorized an officer to conduct an inspection with regard to the appointment and classification of the society and submit a

report under Section 66. I refrain from making any comment on Exts.P8 and P9 in view of the order that I propose to pass.

Writ petition is disposed of with a direction to the Joint Registrar to take a decision pursuant to Ext.P6 in the light of Ext.P7 statement filed by the Society. The Joint Registrar shall take a decision in the matter in accordance with law after hearing the authorised representative of the society as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. In the meanwhile, operation and implementation of Exts.P8 and P9 shall be kept in abeyance.

A.K.BASHEER, JUDGE

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